IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20276 of 2007(L)

PETITIONERS:

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1. TISSEN J.THACHANKERRY,
   THACHANKERRY HOUSE, CHAKKOLAS HABITAT-12B,
   THEVARA, COCHIN-13.

2. MRS.MIMI TISSEN THACHENKERRY,
   -DO- -DO-.

3. MRS.THANKAMMA JOSEPH,
   -DO- -DO-

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY SECRETARY,
   REVENUE DEPARTMENT, GOVT. SECRETARIAT,
   TRIVANDRUM.

2. THE DISTRICT COLLECTOR, IDUKKI.

3. THE REVENUE DIVISIONAL OFFICER,
   IDUKKI.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.20276 OF 2007

DATED THIS THE 6th DAY OF JULY, 2007

JUDGMENT

The petitioners are in possession of certain lands in Munnar. They acquired the same by transfer from persons to whom the land was assigned as per the Land Assignment Act and Rules. Proceedings have been initiated for cancellation of the said 'Patta' issued to the original assignee by issuing notice to the assignee as well as the petitioners. The petitioners' contention is that the respondents are likely to pass orders today and without giving them an opportunity to seek redressal before the Appellate Authorities, they are likely to demolish the building. Therefore, the petitioners seek a direction not to demolish the building or dispossess the petitioners immediately on passing of the orders, so as to enable the petitioners to seek their alternate remedies.

2. The learned Government pleader stoutly opposes the prayer. According to him, the petitioners have constructed a College in total violation of the terms of the grant. According to the learned Government pleader, the grant was purely for agricultural purpose and when the conditions of the grant has been violated,it would open to

the respondents to take appropriate action for cancellation of the 'Patta' in accordance with Rule 8(3) of the Kerala Land Assignment Rules.

3. I am not inclined to go into the rival contentions regarding the merits of the case when the statute prescribes an alternate remedy by way of filing an appeal against the orders passed under Rule 8(3) of the Kerala Land Assignment Rules. I am not satisfied that immediately on passing of orders, the respondents can dispossess the petitioners. The petitioners should be given a breathing time to file an appeal and get interim orders, if they can. In the above circumstances, I dispose of this writ petition directing the respondents not to dispossess the petitioners from the property in question for a period of seven days from the date of service of the order passed under Rule 8(3) of the Kerala Land Assignment Rules on the petitioners.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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